



**UNITED STATES DEPARTMENT OF COMMERCE**  
**Patent and Trademark Office**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/577,311    05/23/00    CHALBERG

P    CHALB-86

001054    PM82/0809  
LEONARD TACHNER, A PROFESSIONAL LAW  
CORPORATION  
17961 SKY PARK CIRCLE, SUITE 38-E  
IRVINE CA 92614

EXAMINER
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MARSH, S	
ART UNIT	PAPER NUMBER

3632  
DATE MAILED:

08/09/01

*3*

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

09/577,311

Applicant(s)

CHALBERG ET AL.

Examiner

Steven M Marsh

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 23 May 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

### **DETAILED ACTION**

This is the first office action for US Application 09/577,311 for a Method and Apparatus for Mounting an Electric Water Pump filed by Philip E. Chalberg et al. on May 23, 2000.

#### ***Specification***

The disclosure is objected to because of the following informalities: Page 4, line 13 reads "have a plurality of elongated apertures 30 and slots 34 can be assembled". The word - - that - - should be inserted between "34" and "can". Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8 and 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 4,033,531 to Levine in view of U.S. Patent 4,339,102 to Schweitzer.

Claims 1-3, 5-8, and 11-13 are rejected because Levine discloses an apparatus for holding an electric motor-operated device which has a stand (18) having a support plate (24) and a slotted plate (26) which are integral to one another. The slotted plate extends perpendicular to the support plate and is affixed to the support plate. The

slotted plate has a plurality of elongated slots (30) at selected space-apart locations with some slots being located further from the support plate than other slots. The apparatus also comprises an electric motor-operated device (10) which has space apart mounting plates (28) and can be positioned in a direction perpendicular to the support plate.

Levine does not disclose hooks extending from the mounting plate of the electric motor for insertion through the slots of the stand. Schweitzer discloses a jar mounting device for mounting a jar to a preforated board support. The device (14) can be positioned in different locations along a preforated board (10) by inserting a set of hooks (30 and 33) through a selected aperture (12) along the board. The electric motor and mounting plate (28) taught by Levine are supported by bolts extending from the mounting plate and through the slots of the stand (18), rather than hooks. However, it would have been obvious to one of ordinary skill in the art at the time of the present invention to have supported the mounting plate with hooks, as taught by Schweitzer, rather than bolts, as taught by Levine, for the purpose of providing a support stand which allows the apparatus to be repositioned without the use of tools.

Claim 4 is also rejected under 35 U.S.C. 103(a) as being unpatentable over Levine in view of Schweitzer. Levine in view of Schweitzer does not specifically disclose an apparatus for holding and positioning an electric water pump. However, column 1, line 7 reads "This invention relates generally to devices for mounting various equipment, such as electric motors, refrigerant tanks, and the like". This would appear to anticipate an electric water pump and therefore it would have been obvious to one of

ordinary skill in the art at the time of the present invention to use an electric water pump rather than an electric motor.

Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Levine. Levine discloses a stand (18) that can be formed by bending a unitary planar member to provide a support plate (24) and an attachment plate (26) which is substantially perpendicular to the support plate. There are a plurality of mating elements (30) in the attachment plate and the stand could be placed adjacent to a tub wall with the attachment plate parallel to the tub wall. There is a second mating element (32) that is integral to the motor 10 (by way of the mounting plate 28) that is mated with the first mating element.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 1,439,044 to White

U.S. Patent 4,019,704 to Levine

U.S. Patent 5,855,354 to Fisher et al.

U.S. Patent 3,163,132 to Nelson

U.S. Patent 5,803,274 to Scheveloff

The above patents all disclose different types of mounts.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Marsh whose telephone number is (703) 305-

Application/Control Number: 09/577,311  
Art Unit: 3632

Page 5

0098. The examiner can normally be reached on Monday-Friday from 8:00AM to 4:30 PM. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3597.

  
Steven Marsh

August 7, 2001

  
LESLIE A. BRAUN  
SUPERVISORY PATENT EXAMINER